

FILED
JUL 26 2005
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN JOSE DIVISION

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 SHIN-GUO TSAI,

16 Defendant.

Case No. 05-70140 PVT

~~PROPOSED~~ ORDER GRANTING
STIPULATION TO WAIVE TIME
UNDER SPEEDY TRIAL CLOCK AND
FOR PRELIMINARY HEARING

Date: July 28, 2005

Time: 9:30 a.m.

Before the Honorable Howard R. Lloyd

17
18 ~~PROPOSED~~ ORDER

19 This matter is set to come before the Court on July 28, 2005 at 9:30 a.m. for preliminary
20 hearing or arraignment. Pursuant to Federal Rule of Criminal Procedure 5.1(d), the Defendant
21 waived time for preliminary hearing until August 25, 2005 at 9:30 a.m. The parties notified the
22 Court that the parties are engaged in discussions to resolve the matter pre-Indictment. The
23 parties requested that the period of time between July 28, 2005 and August 25, 2005 be excluded
24 from the Speedy Trial Clock to allow for the to allow for the continuity of counsel, because the
25 defendant's lead counsel is out of the country. Good cause appearing therefor,

26 **IT IS HEREBY ORDERED** that the period of time between July 28, 2005 and August 25,
27 2005 is excluded from the Speedy Trial Clock to allow for the continuity of counsel. 18 U.S.C.

28
[PROPOSED] ORDER GRANTING PRELIMINARY
HEARING EXTENSION AND EXCLUSION
Case No. 05-70140 PVT

§ 3161(h)(8)(B)(iv). The Court finds that the “ends of justice served by the granting of such continuance outweigh[s] the best interests of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(8)(A). Additionally, the Court finds that the Defendant, Shin-Guo Tsai, knowingly and voluntarily waived the period between July 28, 2005 and August 25, 2005, such that preliminary hearing is now scheduled for August 25, 2005 at 9:30 a.m.

DATED:

7/26/05


HOWARD R. LLOYD
United States Magistrate Judge

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